

**Additional Proposed Legislation for the
March 17, 2010 City Council Meeting -
Filed in the Office of the City Clerk
February 26 Through March 4**



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

FINANCE
INTRODUCTORY NO.

104



Robert J. Duffy
Mayor

40

February 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amending the Municipal Code - Parking
Rates at Mortimer Garage

Transmitted herewith for your approval is legislation amending the City Code to reduce parking rates, both monthly and transient, at the Mortimer Street Garage and its accompanying surface lot, to \$0 effective April 1, 2010 through June 30, 2010. The elimination of charges for this period will help identify demand for this garage.

Mortimer Garage has a history of poor occupancy levels. In October 2009, Council approved a reduction in monthly parking rates from \$78 to \$50. While this has resulted in a slight increase in use, the garage is still less than 25% full on any day, and is running a deficit of approximately \$10,000 per month, which is being reimbursed by the City.

In an effort to identify the demand and to set an appropriate rate for the garage, it is recommended that no parking fee be charged for the remainder of this fiscal year. During this time, staff will be able to identify that demand for parking in that area, identify appropriate rates, and also identify possible short and long term strategies for the facility.

The City will continue to provide security and to pay recurring bills, including utilities. The estimated total deficit for the 3 final months of this fiscal year is \$45,500 due to the decrease in revenue and some adjustments will be made in the expenditures. This adds approximately an additional \$10,500 to the annual deficit of the garage, and will be funded from the 2009-10 Budget of the Finance Department.

Respectfully submitted,

Robert J. Duffy
Robert J. Duffy
Mayor
(pkm)

2010 FEB 26 PM 10:16



Ordinance No.

**Approving Free Parking At The
Mortimer Street Parking Garage**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the rates established in Section 111-119 of the Municipal Code, the Council hereby approves free parking in the Mortimer Street Parking Garage and adjacent lot from April 1, 2010 through June 30, 2010.

Section 2. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 307A, 30 Church Street
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www.cityofrochester.gov

JOBS, PARKS & PUBLIC WORKS INTRODUCTORY NO. *105, 106*



Robert J. Duffy
Mayor

3

February 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Rundel Library Structural Repair Project,
Phase II

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$740,000 and the appropriation of the proceeds thereof, and appropriating \$570,817 from anticipated reimbursements from the NY State Library Construction Program to finance construction portions of the Rundel Library Structural Repair Project.

Rundel Library, built in 1936 as a Federal Works Progress Administration project, is supported by a substantial foundation and terrace system that interfaces with surrounding streets (Court, Broad Streets, South Avenue) and the Johnson and Seymour Mill Race. The sub-surface east, north, and Broad Street viaduct terraces have deteriorated at an accelerated pace over the last decade, due in part to a street-level profile that lacks a watertight membrane.

Herrick-Saylor Engineering, P.C. was retained by the City in 2005 and 2006 to perform structural surveys of the north and south terraces and the building foundation of Rundel Library. Phase I of the project was completed fall 2008, and included repairs to the Library building perimeter foundation and adjacent north, south, and east terrace sections. Work also included minor drainage and waterproofing systems along the North terrace deck and sidewalk repairs along South Avenue.

Herrick-Saylor was retained again in November 2008 (Ord. No. 2008-376) to provide engineering design and construction administration services for Phase II of the project. Phase II will include repairs to the skid walls, foundation piers, columns, beams, girders and structural concrete slabs that support the terrace decks beneath the east terrace, Court Street loading dock and Court Street terrace decks; and downspout drainage extensions below the structural steel systems to protect repairs.

Bids for construction were received on February 17, 2010. The apparent low bid of \$1,662,000 was submitted by Crane-Hogan Structural Systems, Inc., which is 43% less than the engineer's estimate. An additional \$249,933 (15%) will be allocated for project contingencies.

The cost of the project will be funded from the proposed bond issuance (\$740,000), anticipated State reimbursements (\$570,817), and prior project bond appropriations (\$601,116 from Ord. No. 2007-103). Construction will commence in spring 2010 and be completed in fall 2011.

Illustrations of the areas affected by construction are attached.

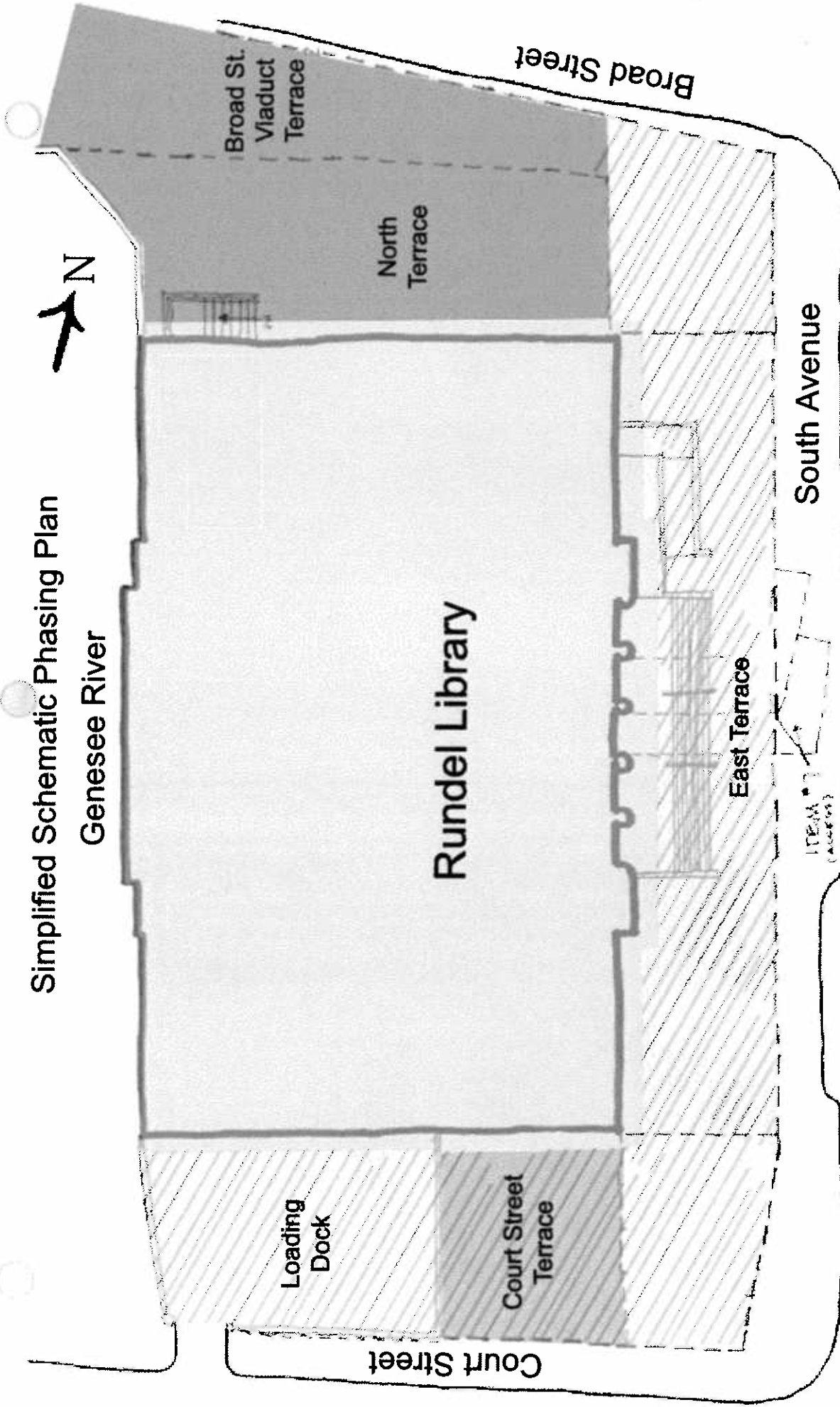
Respectfully submitted,

Robert J. Duffy
Mayor

12:01 PM 1-20-2010



Simplified Schematic Phasing Plan Genesee River



Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,
Authorizing The Issuance Of \$740,000 Bonds Of Said
City To Finance The Additional Cost Of Planning And
Implementing Repairs To The Rundel Memorial Building
Of The Rochester Public Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of planning and implementing repairs to the Rundel Memorial Building of the Rochester Public Library at 115 South Avenue in the City, including repairs to the foundation and terraces (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,019,298. The plan of financing includes the issuance of \$740,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$964,000 bonds previously appropriated in Ordinance No. 2007-103, \$1,082,298 appropriated from New York State Division of Library Development funds and \$233,000 in current Library funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$740,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$740,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property

within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Ordinance No.

Authorizing An Agreement And Appropriation
Of Library Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Library Development for reimbursement of a portion of the cost of construction of the Rundel Library Structural Repair Project.

Section 2. The sum of \$570,817 is hereby appropriated from the reimbursements authorized herein to fund a portion of the cost of construction of the Rundel Library Structural Repair Project.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.



City of Rochester

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PUBLIC SAFETY, YOUTH & RECREATION INTRODUCTORY NO.

107



Robert J. Duffy
Mayor

30

February 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - The Center for Youth, Teen Court

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Center for Youth to provide administrative services to Rochester Teen Court. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of January 1, 2010-December 31, 2010.

Rochester Teen Court is a community-based prevention and intervention program that promotes peer justice and reinforces youth responsibility while educating youth about the judicial process. One of the first teen courts in New York State, the Rochester court handles truancy and traffic matters. The court also, uniquely, handles arrests for violations and crimes under the New York Penal Law.

Teen Court, historically funded solely by the City, is now accepted as a community resource, to be supported by several agencies. Currently, support is offered by the following:

<u>Agency</u>	<u>Support</u>
County Court (NYS Office of Court Adm.)	Facilities, utilities, office supplies, security
City School District	\$50,000
Wilson Foundation	\$15,000
Monroe County Bar Assn Foundation	\$ 9,000
Greater Rochester Assn of Women Attys	\$ 1,000
Individual donations	Wearing apparel for participants
Judges & attorneys	Volunteer time and expertise

With the commitment from participating agencies and volunteers to seek additional funding sources, it is expected that beginning in 2010-11, Teen Court will no longer depend on City funds.

A project description and budget is attached.

Respectfully submitted,

Robert J. Duffy
Mayor

12-01-11 1-13-1010Z



Department of Recreation and Youth Services

Bureau of Youth Services

PROJECT INFORMATION

PROJECT NAME: Rochester Teen Court

SPONSORING AGENCY: The Center for Youth Services

ADDRESS: 905 Monroe Avenue 14620

PHONE/FAX: 473-2464 / 271-8134

CONTACT PERSON: Tameakia Little / Gladys Waller

TERM: January 1, 2010 - December 31, 2010

BUDGET:	<u>Year 1</u>	<u>Year 2</u>
City Funds:	\$50,000	\$50,000
RCSD Funds	50,000	50,000
Other Funds:	<u>42,591</u>	<u>45,136</u>
Total Budget:	\$142,591	\$145,136

GEOGRAPHIC AREA: City-wide

SECTORS SERVED: All Sectors

TARGET POPULATION: First time youthful offenders identified by city and county court judges for diversion program

NUMBER OF BENEFICIARIES: Up to 150 youthful offenders

TOTAL NUMBER OF STAFF: 2 paid F/T staff and 1 Americorps volunteer

COMMUNITY WIDE OUTCOME: Young people avoiding risk behaviors

SUMMARY OF SERVICES:

Established in 1997, the Rochester Teen Court is a community-based prevention and intervention program. Judge Frank Geraci, Jr., a founder and consistent advocate of Teen Court shared his vision – “The hope of Teen Court is to slow the system down and work with teens at risk with the goal of making their FIRST contact with the criminal justice system their LAST.” The Rochester Teen Court initiative promotes peer justice and reinforces youth responsibility while educating youth about the judicial process. As one of the first teen courts in New York State, Rochester Teen Court remains unique because it deals with adult/youthful offenders ages 16-19 years. Unlike other teen courts that handle primarily truancy and traffic matters, Rochester Teen Court handles arrests for violations and crimes under the New York Penal Law.

As an alternative to first-time offending teens, through the intervention and liaison activities of staff, a case is sent to Teen Court for sentencing and disposition after the youth has acknowledged responsibility for the crime. Judges from the community preside over the courtrooms, two teen attorneys (as defense and prosecuting counsel) adjudicate the case and a teen jury determines the appropriate sentence to impose. These sentences can range from community service, to a letter of apology, or voluntary counseling, anger management and conflict resolution workshops or other forms of restitution.

The process continues to involve the youth offender in a positive way as well. Every defendant sent to Teen Court must serve as a juror in subsequent cases. A sitting judge presides over the case and approves or disapproves the sentence imposed by the teen jury. After the sentence is imposed, the Teen Court Coordinator works with the teen and his or her parent or guardian to assure that the Teen Court sentence is completed. Failure to complete the sentence results in the case being sent back to the referring judge for disposition.

OUTCOME OBJECTIVES AND PERFORMANCE MEASURES:

OBJECTIVE		PLANNED OUTCOME		Results as of December 31, 2009 (12 months)		NEW YEAR PLAN
				ACTUAL	% of Plan	
1.	Eligible offenders will be managed in Teen Court, reducing the court burden on Adult Court.	150 Youth will participate in Teen Court.		206	137%	150
		<i>Demographics:</i> 79% Black; 6% White; 15% Hispanic; 55% Male; 45% Female				
2.	Teen offenders' criminal behaviors will be interrupted through engagement in positive peer supported activities.	80% of teen offenders will demonstrate their ability to engage in positive activities by completing their sentences.		87%	109%	80%
3.	Youth volunteer jurors, prosecutors, and defenders will have a better understanding of the judicial process.	80% of volunteers who complete training will participate in one or more court hearings.		100%	125%	80%
4.	Defendants attending school or in a GED program will be assessed & monitored for academic progress.	60% of defendants attending school or pursuing a GED will increase attendance.		76%	127%	60%
5.	Youth defendants will attend orientation, workshops, court proceedings and receive sanctions related to the offense including referral to counseling.	100% of youth defendants will be referred to counseling.		100%	100%	100%
		85% will complete all imposed sanctions.		87%	102%	100%
6.	Youth defendants will engage in community service as a youth juror for Teen Court.	100% of youth defendants will complete community service by serving as youth jurors.		100%	100%	100%
7.	Parents of youth defendants will be active participants in their child's Teen Court process.	50% of parents will attend orientation.		100%	200%	100%
8.	Youth attorneys will receive attorney training provided by bar-admitted attorneys.	100% of youth attorneys will pass the "Teen Court Bar Exam".		100%	100%	100%

BUDGET SUMMARY

Project Name: Teen Court

	YEAR 1 2009			YEAR 2 2010			YEAR 3		
	City Funding	Other* Funding	Total Budget	City Funding	Other* Funding	Total Budget	City Funding	Other* Funding	Total Budget
1. Personnel	35,374	51,667	87,041	\$36,081	\$52,699	\$88,780			
2. Professional Fees & Contract Services	2,412	7,776	10,188	1,647	7,276	8,923			
3. Supplies	500	500	1,000	500	500	1,000			
4. Food and Beverage	500	700	1,200	500	700	1,200			
5. Telephone	0	600	600		600	600			
6. Postage and Shipping	0	220	220		0	0			
7. Occupancy	0	14,500	14,500		14,500	14,500			
8. Printing and Publications	234	352	586	239	295	534			
9. Mileage/Parking	1,000	1,000	2,000	1,000	807	1,807			
10. Youth Trainings	4,527	873	5,400	4,527	873	5,400			
11. Staff Trainings and Travel	807	1,108	1,915	900	1,304	2,204			
12. Youth Transportation	150	300	450	150	300	450			
13. Liability and Theft Insurance	368	536	904	328	479	807			
SUBTOTAL DIRECT OPERATIONS	45,872	80,132	126,004	\$45,872	\$80,333	\$126,205			
Proration General & Management	4,128	12,459	16,587	4,128	14,803	18,931			
TOTAL CONTRACT BUDGET	50,000	92,591	142,591	\$50,000	\$95,136	\$145,136			

*Funding Source(s): RCSD, Wilson Foundation, MC Bar Assoc., GRAWA, In-kind

Ordinance No.

Establishing Maximum Compensation
For A Professional Services Agreement
For The Rochester Teen Court

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Youth for administrative services for the Rochester Teen Court for 2010. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.



City of Rochester

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JOBS, PARKS & PUBLIC WORKS INTRODUCTORY NO.

108



Robert J. Duffy
Mayor

4

February 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Skyway System, Clinton Pavilion Roof
Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$235,000, and appropriating the proceeds thereof to finance the cost of replacing the roof of a portion of the downtown skyway system.

The Clinton Pavilion, part of the downtown skyway system, is located at the corner of Broad Street and South Clinton Avenue. The roof, original to the 1994 structure, is past its useful life and requires replacement to prevent damage to the structure and interior finishes. There are leaks in the pavilion and the skyway roofing system affecting interior mechanical systems in active use by Bausch & Lomb.

The project includes a new roof system of approximately 3,000 square feet (including the skyway bridge); flashing, and other pavilion and skyway repairs.

Bids for construction of the project were received on February 16, 2010. The work will be performed by Elmer W. Davis, Inc. at a cost of \$90,177. The remainder of the proposed bond issuance will be allocated for project contingencies, mechanical repairs, and interior finish repair items not included in the contract.

It is anticipated that construction will commence in May 2010, with anticipated completion in early fall 2010.

Respectfully submitted,

Robert J. Duffy
Mayor

88-61177-2-NEW 0102



Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,
Authorizing The Issuance Of \$235,000 Bonds Of Said
City To Finance The Cost Of Repairs To The Clinton
Pavilion In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of implementing repairs to the Clinton Pavilion, housing a portion of the Downtown Skyway System at the corner of East Broad Street and South Clinton Avenue in the City, including repairs to the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$235,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$235,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$235,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$235,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by

appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.



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JOBS, PARKS & PUBLIC WORKS INTRODUCTORY NO.

109



Robert J. Duffy
Mayor

15

February 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Water Main Extensions & Improvement
Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$729,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 599 miles of pipe in the City's water distribution system. Approximately 400 miles of this pipe are over 75 years of age, the expected useful life of water mains.

The proposed bond issue will finance water main improvements in Stone Street from East Broad Street to East Main Street.

Approximately 700 feet each of new domestic water main and of new Holly water main will be installed under this program, which is designed to eliminate future water main breaks and increase water flow for regular consumption and fire protection. Installation of the existing six-inch domestic water main on Stone Street dates back to 1898. The existing 8 - 12 inch Holly water main was installed in 1874.

Bids for the improvements were received February 16, 2010. Only one contractor, Villager Construction, Inc. submitted a bid for the project at a maximum cost of \$633,837. An additional \$95,163 representing 15% of the bid amount will be provided for contingencies.

The improvements are scheduled to begin in spring 2010 and be completed by summer 2010. Project inspection will be performed by DES Water Bureau personnel.

Respectfully submitted,

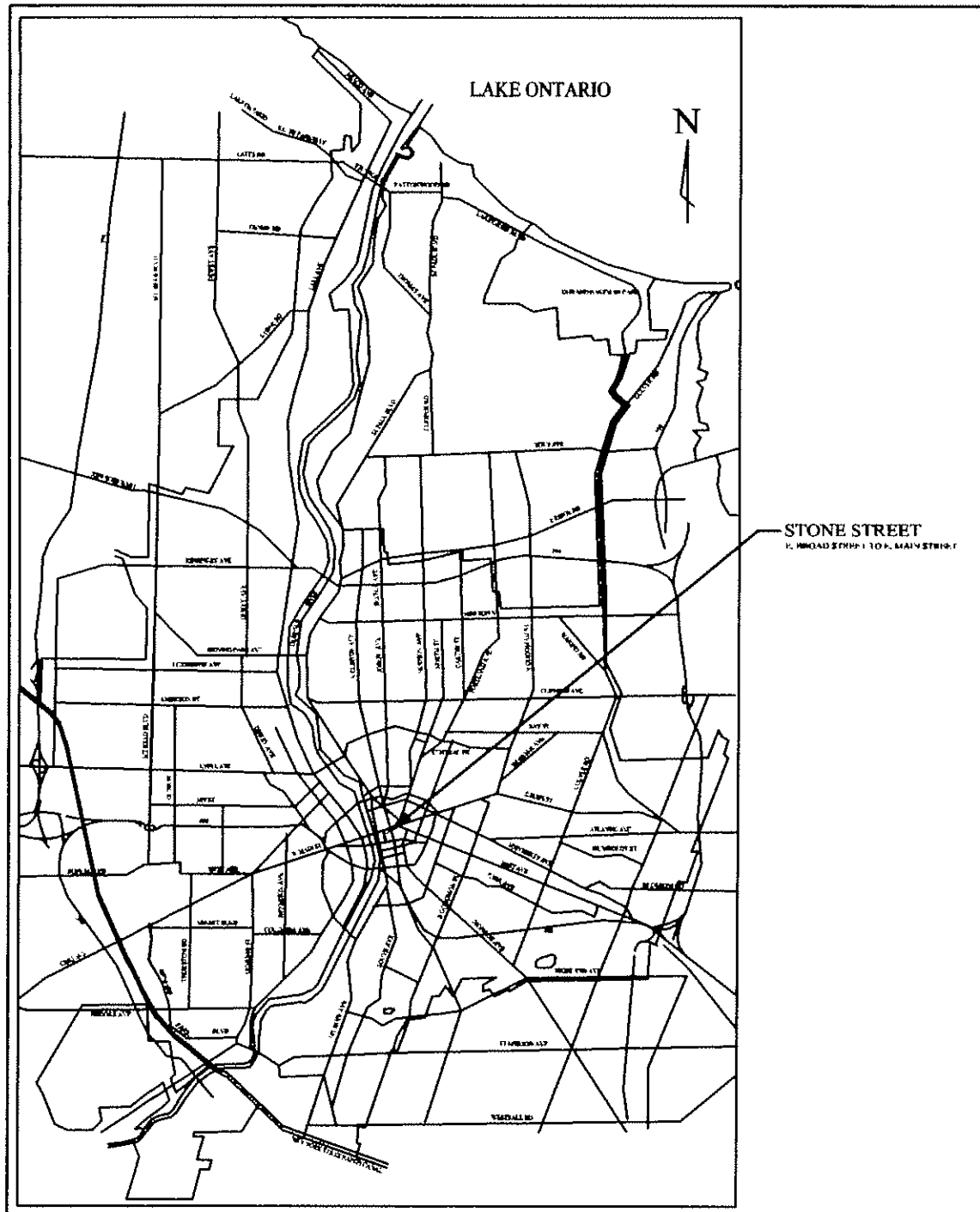
Robert J. Duffy
Mayor

2010 FEB 25 10:38 AM



WATER MAIN EXTENSIONS & IMPROVEMENTS

STONE STREET



LOCATION MAP

Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,
Authorizing The Issuance Of \$729,000 Bonds Of Said
City To Finance The Reconstruction Of Various Water
Mains Related To The 2010 Water Main Extension And
Improvements Program In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of water mains along Stone Street from East Broad Street to East Main Street as part of the 2010 Water Main Extension and Improvements Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$729,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$729,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$729,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$729,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest

on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.



City of Rochester

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FINANCE
INTRODUCTORY NO.

110, 111



Robert J. Duffy
Mayor

March 3, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Internet and Merchant Card Payments

Transmitted herewith for your approval is legislation related to Internet and credit card payments to the City. This legislation will:

1. Amend Section 8-15 of the City Code to allow the City Treasurer to accept payments over the Internet for all payment types currently accepted by the City or as deemed appropriate by the Director of Finance and authorize the Director of Finance to establish fees to be charged for such payments; and
2. Authorize agreements with Manufacturers and Traders Trust Company, Buffalo, NY, and HECORP, Inc. dba Hamer Enterprises, McAllen TX, for the processing of merchant card payments without direct charge to the City.

Internet Payments

Currently, the City Treasurer is authorized to accept Internet payments for a variety of City services, such as water charges, parking tickets, and donations to the Animal Control Service unit. Convenience fees for each Internet payment type have also been separately authorized under the Code. The proposed Code amendment will allow for the addition of services by the Director of Finance as they become technically feasible and in response to customer demand. This will enhance customer service, efficiency, and convenience.

The Director of Finance, in accordance with State law, will be able to set convenience fees to be charged to customers making payment through the Internet. The Director of Finance will be required to provide a list of all payment types accepted and the accompanying convenience fees charged, as well as notification when there are any changes to these fees. This list will be presented to City Council for filing with the City Clerk. Amendments shall be filed at least 30 days in advance of changes.

Merchant Card Payments

M&T Bank is the current provider of merchant card services as authorized by Ordinance No. 2005-136. That contract was for an initial three-year period with provision for three one-year renewals; the exercise of the final renewal will extend the agreement through June 2011. M&T Bank contracts with Hamer Enterprises for the provision of web-based merchant card processing.

The City's current practice is to pay the merchant card fees without charging the customer using the merchant card. In 2008-09 merchant card receipts for the City were approximately \$13.1 million, resulting in a total of \$267,000 in merchant card fees paid to M&T Bank. The agreements with M&T and Hamer, in compliance with merchant card policy, will allow the merchant card fee to be charged to the consumer. This change will initially begin for tax payments due July 1, 2010. Customers paying taxes by merchant card will be charged a fee of \$3 for transactions of \$100 or less, and 3% of the transaction value for charges above \$100. The Director of Finance will have the authority to extend this policy to merchant card payments for other City charges as merchant card use and merchant card policies change.

Respectfully submitted,

Robert J. Duffy
Mayor

05:01:11 4-2010102

Ordinance No.

Amending The Municipal Code With Respect
To Payments Via The Internet

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 8-15 of the Municipal Code, Payments via Internet, is hereby amended in its entirety to read as follows:

§ 8-15. Payments via Internet.

The City Treasurer is authorized to accept payments via the Internet for financial transactions approved by the Director of Finance. The Director of Finance shall establish the amount of any service charge which shall be applied to such transactions. Submission via the Internet shall not be the only means of acceptance of these payments. The method used to receive Internet payments, the time of receipt and effect of the payment, and confirmation thereof, shall be in accordance with § 5-b of the General Municipal Law. The Director of Finance shall file with the City Clerk and provide to the City Council by communication a record of all transactions accepted via the Internet and the convenience fees charged. Any amendments to the transactions accepted or the fees charged shall be filed with the City Clerk and communicated to the City Council at least 30 days prior to their effective date.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Authorizing Agreements For Merchant
Card Payment Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with Manufacturers and Traders Trust Company and HECORP, Inc., d/b/a Hamer Enterprises, for the processing of certain merchant card payments as approved by the Director of Finance without direct charge to the City. The agreements shall pass onto the credit card user the charges associated with use of the merchant card. The agreements shall extend through June 30, 2011.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

112



Robert J. Duffy
Mayor

41

March 2, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Renovations - Rochester Riverside Convention
Center Ballroom

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$140,000 and the appropriation of the proceeds thereof to partially finance the renovation of the Rochester Riverside Convention Center (RRCC) ballroom.

The planned improvements to the ballroom include new flooring, wall covering, and lighting replacements, and will incorporate other minor enhancements to maintain the functionality and competitiveness of the RRCC against other regional and local venues. The existing fixtures and furnishings are original to the building and have exceeded their life cycle.

City Council approved a debt plan as part of the 2008-09 Budget that included \$1,740,000 of proposed debt for a comprehensive roof replacement and repair project at the Convention Center. During design of this project, construction cost estimates were revised downward and the Department of Environmental Services requested \$1,600,000 for the project. City Council authorized the bond issuance and appropriation for this purpose in March 2009 (Ord. No. 2009-67).

The City has since completed the roof replacement project; \$140,000 of an unused balance from the original debt plan was not authorized due to the reductions from initial estimates. It is the intent of the City to authorize the remaining debt for the ballroom renovation.

The estimated project budget for the ballroom renovation is \$300,000; the balance of \$160,000 will be funded from 2008-09 Cash Capital.

Design of the project will begin in spring 2010, with construction anticipated in fall 2010.

Respectfully submitted,

Robert J. Duffy
Mayor

2010 MAR -4 11:10:50



Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,
Authorizing The Issuance Of \$140,000 Bonds Of Said
City To Finance The Cost Of Construction Of Repairs
To The Rochester Riverside Convention Center In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the Rochester Riverside Convention Center at 123 East Main Street in the City, including but not limited to renovation of the ballroom (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000. The plan of financing includes the issuance of \$140,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$160,000 in current City funds and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$140,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$140,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and

provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.



Rochester Urban Renewal Agency

City Hall Room 223B
30 Church Street
Rochester, New York
14614-1290

NEIGHBORHOOD &
~~BUSINESS DEVELOPMENT~~
INTRODUCTORY NO.

URA-2

R. Carlos Carballada
Secretary

43c

March 3, 2010

TO THE ROCHESTER URBAN RENEWAL AGENCY:

Ladies and Gentlemen:

Re: Mission Statement and Performance Measures

Transmitted herewith for your approval is legislation approving the Rochester Urban Renewal Agency Mission Statement and Performance Measures. Public Authorities Law requires public authorities to develop and adopt a mission statement. The law also requires public authorities to develop performance measures to assist the authority in determining its effectiveness in carrying out its mission.

Mission Statement

The mission of the Rochester Urban Renewal Agency is to stimulate urban economic growth and revitalize urban neighborhoods. This is accomplished through the redevelopment of slum and blighted areas, creating and retaining jobs, attracting new investment, and improving housing opportunities for city residents.

Performance Measures

- Dewey Driving Park Urban Renewal District
Complete 2 grants under the Targeted Commercial Exterior Grant Program
- Midtown Urban Renewal District
Complete asbestos removal project of the former Midtown Plaza buildings.
Commence demolition of the former Midtown Plaza complex.
Complete re-subdivision of the former Midtown Tower property for sale to 80 South Clinton LLC.

Respectfully submitted,

R. Carlos Carballada
Secretary

201003-1 11:08:30



Resolution No. URA

**Approving The Mission Statement And
Performance Measures**

BE IT RESOLVED, by the Rochester Urban Renewal Agency as follows:

Section 1. The Agency hereby approves the Rochester Urban Renewal Agency Mission Statement and performance measures as submitted by the Secretary.

Section 2. This resolution shall take effect immediately.



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

JOBS, PARKS &
PUBLIC WORKS
INTRODUCTORY NO.

113, 114, 115



Robert J. Duffy
Mayor

2

March 3, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – New York Power Authority, Rundel
Memorial Library Heating and Cooling Equipment

Transmitted herewith for your approval is legislation related to the replacement of mechanical cooling and heating equipment at the Rundel Memorial Library Building. This legislation will:

1. Authorize an agreement with the New York Power Authority (NYPA) for the City's participation in the NYPA Energy Services program;
2. Establish \$1,593,000 as maximum compensation for an agreement with NYPA for completion of the project;
3. Authorize the issuance of \$1,593,000 in Qualified Energy Conservation Bonds and the appropriation of the proceeds thereof to finance the agreement with NYPA; and
4. Authorize a one time exception to the debt limit of \$1,593,000 to allow the City to take advantage of the Energy Conservation bond opportunity afforded through the American Recovery and Reinvestment Act.

This NYPA program assists governmental agencies in the design, installation, and financing of equipment to reduce energy consumption. Under the program, NYPA conducts a feasibility study of public facilities to identify opportunities for possible energy conservation and cost reduction. The study includes an inspection of the facilities, review of energy costs, and preparation of a life-cycle analysis; this study is provided at no cost to the City. NYPA also designs recommended improvements and will pre-finance the cost of installation of the equipment.

This City has previously participated in NYPA projects as originally authorized in November 2001 (Ord. No. 2001-376), including a significant energy savings project related to HVAC retrofits in several City facilities (Ordinance No. 2003-360).

The chiller component air conditioning system at the Rundel Library was installed in 1972 and is now past its useful life. Associated components are also in need of replacement. A new heat exchanger required to separate the river water and chiller condenser water, will reduce maintenance costs and chiller condenser erosion. And, a new high efficiency chiller will be installed. These improvements are projected to reduce the City's annual maintenance costs by \$19,000, and will provide annual energy savings of \$72,000.

Bids for heating and air conditioning and electrical repairs were received by NYPA on February 25, 2010. The total estimated cost based on bids for installation, fees, and contingency of 15% is \$1,592,900. NYPA will pre-finance the cost of installation of the equipment.

03-0111-5-001010Z



As part of the American Reinvestment and Recovery Act (ARRA), states were appropriated tax credit bonds (QECBs) for energy efficiency purposes, including improvements to public buildings that will provide for 20% or greater energy savings annually. These bonds are administered by the NY State Energy Research and Development Authority (NYSERDA). The City must notify NYSERDA of intent to utilize the City's QECB allocation no later than April 1, 2010. This bond will provide an exception to the approved debt ceiling for the 2009-10 budget as authorized in June 2009 (Res No. 2009-10). The remaining appropriations will be utilized for lighting and system upgrades and other efficiency measures at various City facilities, and will be submitted to Council at a later date.

The Rundel Library heating and cooling system installation is scheduled to begin in summer 2010, and be completed in late 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Duffy", written over the printed name.

Robert J. Duffy
Mayor

Ordinance No.

Authorizing An Agreement For Improvements
To The Rundel Memorial Library Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Power Authority for the replacement of heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library.

Section 2. The agreement shall obligate the City of Rochester to repay the costs of the installation of the equipment, estimated not to exceed \$1,592,900. Said amount shall be funded through a bond adopted for this purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,
Authorizing The Issuance Of \$1,593,000 Bonds Of Said
City To Finance The Cost Of The Replacement Of Heating
And Cooling Equipment At The Rundel Memorial Building
Of The Rochester Public Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the replacement of the heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library at 115 South Avenue in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,593,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,593,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,593,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,593,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and

2

provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Resolution No.

**Resolution Authorizing An Exception To
The City Debt Limit For The Rundel Heating
And Cooling Project**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,593,000 is hereby approved as an exception to the 2009-10 Debt Limit of the City in order to fund the replacement of the heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library. This exception will allow the City to utilize the New York Power Authority's Energy Services Program and fund the improvements through low-interest bonds.

Section 2. This resolution shall take effect immediately.



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

PUBLIC SAFETY, YOUTH & RECREATION INTRODUCTORY NO.

116



Robert J. Duffy
Mayor

42

March 4, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - Monroe County / Stop DWI 2010

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$118,743 in 2010 NY State Stop DWI Program funds, administered by Monroe County. This award covers the period January 1 through December 31, 2010 and will be used for enhanced detection and enforcement of driving while intoxicated (DWI) offenses. A budget amendment is not needed since the renewal of funding was anticipated; a portion was included in the 2009-10 Budget of the Police Department; the remainder will be appropriated in the 2010-11 Budget.

These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion will be designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$94,926 for calendar year 2009 was authorized by Ord. No. 2009-127 in April 2009. During 2009, the City STOP-DWI unit established 17 sobriety checkpoints and the Rochester Police Department arrested 620 individuals for DWI, 22 for DWAI, and 10 DWAI-Drugs.

The agreement was authorized by the Monroe County Legislature on February 2, 2010. No matching funds are required.

Respectfully submitted,

Robert J. Duffy
Mayor

2010 MAR -4 11:10:50



Ordinance No.

Authorizing An Agreement For Funding
For The STOP DWI Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2010 STOP DWI Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

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JOB, PARKS & PUBLIC WORKS INTRODUCTORY NO.

117



Robert J. Duffy
Mayor

10

March 4, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Mt. Hope Avenue Phase 1 Public Improvement
Project (Elmwood Avenue to Rossiter Road)

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 28 fee acquisitions, three permanent easements, and 26 temporary easements, as listed in the attached table, as part of the Mt. Hope Avenue Phase 1 public improvement project.

This is a Federal-aid project designed by Bergmann Associates, P.C. (Ord Nos. 2005-83, 2009-70). In March 2008, City Council established a building moratorium for the portion of Mt. Hope Avenue between Elmwood Avenue and Rossiter Road in order to conduct a comprehensive land use, transportation, and planning study for the corridor; the moratorium was extended through December 2008 (Ord No. 2008-331). As a result of the study, the Zoning Code was amended to adopt a Planned Development District, Collegetown Village, which includes the area covered by the moratorium (Ordinances No. 2008-383, 2008-384) with the intent of developing shared or connected access with adjoining properties in the District.

The design of the Mt. Hope Avenue Phase 1 project is a result of the collaboration developed during the moratorium. The project will reconstruct Mt. Hope Avenue between Elmwood Avenue and Rossiter Road and will include new pavement, curbs, enhanced sidewalks, and street lighting; as well as amenities to enhance the Collegetown Village District. A mid-block signalized intersection will be added between Elmwood Avenue and Crittenden Road to provide access on the west side to the University of Rochester's Collegetown redevelopment, and on the east side to the private business redevelopment. And, to separate northbound and southbound traffic, there will also be a center, landscaped median extending from just south of Elmwood Avenue to just south of Ralieg Street.

Pursuant to the requirements of Article 8 of the NY State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the Mt. Hope Avenue/E. Henrietta Road Improvement Project is classified as a Type I Action. An environmental determination was issued on November 24, 2008 and amended on May 2, 2009, a copy of which is available for review in the Office of the City Clerk.

The Planning Commission will hold an informational meeting for the Official Map Amendment on March 15, 2010. Minutes of the meeting will be forwarded to Council upon completion. Separate Council authorization will be requested next month to amend the Official Map by dedicating the fee acquisitions and one of the permanent easements as public right-of-way, and to authorize the costs of acquisition of the parcels described in the attachment.

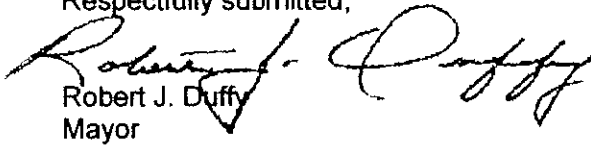
Construction of the Mt. Hope Avenue Phase I public improvement project will begin in fall 2010 with completion in fall 2011.



11:21 AM 4-20-2010

A public hearing on the acquisitions is required pursuant to the Eminent Domain Procedure Law. After the public hearing, the Council is required to make determinations and findings concerning these acquisitions.

Respectfully submitted,


Robert J. Duffy
Mayor

Mt. Hope Avenue Improvement Project PIN 4753.61

Revised by RCB 1-10-2010

PROPERTY ACQUISITION TABLE

NO.	MAP	PARCEL	PROPERTY OWNER	ADDRESS	TAX ACCOUNT #	FEE AREA (Square Feet)	P.E. AREA (Square Feet)	T.E. AREA (Square Feet)
1	7	7&8	DB Real Estate Assets, LLC	1500 Mt. Hope Avenue	136.61-3-26	2002		836
2	8	9&10	Patricia Ann Hoffend	1432 Mt. Hope Avenue	136.54-1-22.1	2047		2190
3	25	27, 28, 29, & 30	Wendy's Restaurant of Rochester	1550 Mt. Hope Avenue	136.61-3-30	112		875
4	26	31 & 32	Wendy's Restaurant of Rochester	1522 Mt. Hope Avenue	136.61-3-29	47		122
5	27	33 & 34	John Spencer	1520 Mt. Hope Avenue	136.61-3-28	48		51
6	28	35 & 36	University of Rochester	1510 Mt. Hope Avenue	136.61-3-27	446		529
7	29	37 & 38	David L. Gardell	1400 Mt. Hope Avenue	136.54-1-24	2660		808
8	30	39 & 40	Mamasan's Monroe, LLC	1394 Mt. Hope Avenue	136.54-1-25	1087		599
9	31	41, 42, 43, & 44	Mamasan's Monroe, LLC	1378 Mt. Hope Avenue	136.54-1-27.1	2703	3167	810
10	32	45 & 46	Mamasan's Monroe, LLC	1360 Mt. Hope Avenue	136.54-1-28	3277		2053
11	33	47 & 48	Alex L. D'Angelo & Patricia A. D'Angelo	1340 Mt. Hope Avenue	136.54-1-30.2	1749		1581
12	34	49 & 50	Le Thi Be Walters	1330 Mt. Hope Avenue	136.54-1-32	675		208
13	35	51 & 52	Berkshire Rochester Limited Partnership	797 Elmwood Avenue	136.54-1-2	959		1132
14	36	53	Berkshire Rochester Limited	783 Elmwood Avenue	136.54-1-1.1	1942		
15	37	54 & 55	1288 Mt. Hope Avenue, LLS	1288 Mt. Hope Avenue	136.46-1-48.1	1941		2086
16	47	63	Catharine Robinson & John Schouten	1545 Mt. Hope Avenue	136.61-3-25	256		
17	48	64 & 65	Minutemen Income Limited Partnership	1517 Mt. Hope Avenue	136.61-2-30	296		108
18	49	66 & 67	Minutemen Income Limited Partnership	1511 Mt. Hope Avenue	136.61-2-28	254		1090
19	50	68 & 69	Minutemen Income Limited Partnership	1495 Mt. Hope Avenue	136.61-2-28	233		557
20	51	70	HSBC Bank U.S.A.	1477 Mt. Hope Avenue	136.61-1-31	709		
21	52	71	HSBC Bank U.S.A.	1475 Mt. Hope Avenue	136.61-1-30	721		
22	53	72&73	Jeffrey Solomon	1471 Mt. Hope Avenue	136.61-1-28	2812		874
23	54	74&75	Hess Realty Corporation	1431 Mt. Hope Avenue	136.53-1-7		2996	8149
24	55	76,77,78 & 79	University of Rochester	1401 Mt. Hope Avenue	136.53-1-6	11122		3560
25	56	80, 81 & 82	University of Rochester	1371 Mt. Hope Avenue	136.53-1-5	3807	3137	7998
26	57	83 & 84	University of Rochester	1351 Mt. Hope Avenue	136.53-1-4	8036		3261
27	58	85 & 86	University of Rochester	1325 Mt. Hope Avenue	136.53-1-3.1	10249		28131
28	59	87	Crittenden Boulevard Housing	100 Crittenden Boulevard	136.53-1-8			789
29	60	88 & 89	University of Rochester	863 Elmwood Avenue	136.53-1-2	585		12359
30	61	90 & 91	Paul R. Dean, Jr.	1258 Mt. Hope Avenue	136.46-1-49	777		1852

Authorizing The Acquisition By Negotiation
Or Condemnation Of Parcels And Easements
For The Mt. Hope Avenue Phase I Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels for street purposes as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

Address	SBL#	Owner	Sq. Ft.	Value
1500 Mt. Hope Avenue	136.61-3-26	DB Real Estate Assets, LLC	2002	
1432 Mt. Hope Avenue	136.54-1-22.1	Patricia Ann Hoffend	2047	
1550 Mt. Hope Avenue	136.61-3-30	Wendy's Restaurant of Rochester	112	
1522 Mt. Hope Avenue	136.61-3-29	Wendy's Restaurant of Rochester	47	
1520 Mt. Hope Avenue	136.61-3-28	John Spencer	48	
1510 Mt. Hope Avenue	136.61-3-27	University of Rochester	446	
1400 Mt. Hope Avenue	136.54-1-24	David L. Gandell	2680	
1394 Mt. Hope Avenue	136.54-1-25	Mamasan's Monroe, LLC	1087	
1378 Mt. Hope Avenue	136.54-1-27.1	Mamasan's Monroe, LLC	2703	
1360 Mt. Hope Avenue	136.54-1-28	Mamasan's Monroe, LLC	3277	
1340 Mt. Hope Avenue	136.54-1-30.2	Alex L. & Patricia A. D'Angelo	1749	
1330 Mt. Hope Avenue	136.54-1-32	Le Thi Be Walters	675	
797 Elmwood Avenue	136.54-1-2	Berkshire Rochester Ltd Part.	959	
793 Elmwood Avenue	136.54-1-1.1	Berkshire Rochester Ltd Part.	1942	
1286 Mt. Hope Avenue	136.46-1-48.1	1286 Mt. Hope Avenue, LLC	1941	
1545 Mt. Hope Avenue	136.61-3-25	Cathaline Robinson & John Schouten	256	
1517 Mt. Hope Avenue	136.61-2-30	Mihalitsas Income Ltd Partnership	296	
1511 Mt. Hope Avenue	136.61-2-29	Mihalitsas Income Ltd Partnership	254	
1495 Mt. Hope Avenue	136.61-2-28	Mihalitsas Income Ltd Partnership	233	
1477 Mt. Hope Avenue	136.61-1-31	HSBC Bank U.S.A.	709	
1475 Mt. Hope Avenue	136.61-1-30	HSBC Bank U.S.A.	721	
1471 Mt. Hope Avenue	136.61-1-28	Jeffrey Solomon	2812	
1401 Mt. Hope Avenue	136.53-1-6	University of Rochester	11122	
1371 Mt. Hope Avenue	136.53-1-5	University of Rochester	3907	
1351 Mt. Hope Avenue	136.53-1-4	University of Rochester	6036	
1325 Mt. Hope Avenue	136.53-1-3.1	University of Rochester	10249	
683 Elmwood Avenue	136.53-1-2	University of Rochester	585	
1256 Mt. Hope Avenue	136.46-1-49	Paul R. Dean, Jr.	777	

Section 2. The Council hereby approves the acquisition of permanent easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

Address	SBL#	Owner	Sq. Ft.	Value
1378 Mt. Hope Avenue	136.54-1-27.1	Mamasan's Monroe, LLC	3167	
1431 Mt. Hope Avenue	136.53-1-7	Hess Realty Corp.	2996	
1371 Mt. Hope Avenue	136.53-1-5	University of Rochester	3137	

Section 3. The Council hereby approves the acquisition of temporary easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

Address	SBL#	Owner	Sq. Ft.	Value
1500 Mt. Hope Avenue	136.61-3-26	DB Real Estate Assets, LLC	836	
1432 Mt. Hope Avenue	136.54-1-22.1	Patricia Ann Hoffend	2190	
1550 Mt. Hope Avenue	136.61-3-30	Wendy's Restaurant of Rochester	875	
1522 Mt. Hope Avenue	136.61-3-29	Wendy's Restaurant of Rochester	122	
1520 Mt. Hope Avenue	136.61-3-28	John Spencer	51	
1510 Mt. Hope Avenue	136.61-3-27	University of Rochester	529	
1400 Mt. Hope Avenue	136.54-1-24	David L. Gandell	806	
1394 Mt. Hope Avenue	136.54-1-25	Mamasan's Monroe, LLC	599	
1378 Mt. Hope Avenue	136.54-1-27.1	Mamasan's Monroe, LLC	810	
1360 Mt. Hope Avenue	136.54-1-28	Mamasan's Monroe, LLC	2053	
1340 Mt. Hope Avenue	136.54-1-30.2	Alex L. & Patricia A. D'Angelo	1581	
1330 Mt. Hope Avenue	136.54-1-32	Le Thi Be Walters	208	
797 Elmwood Avenue	136.54-1-2	Berkshire Rochester Ltd Part.	1132	
1286 Mt. Hope Avenue	136.46-1-48.1	1286 Mt. Hope Avenue, LLC	2086	
1517 Mt. Hope Avenue	136.61-2-30	Mihalitsas Income Ltd Partnership	106	
1511 Mt. Hope Avenue	136.61-2-29	Mihalitsas Income Ltd Partnership	1060	
1495 Mt. Hope Avenue	136.61-2-28	Mihalitsas Income Ltd Partnership	557	
1471 Mt. Hope Avenue	136.61-1-28	Jeffrey Solomon	874	
1431 Mt. Hope Avenue	136.53-1-7	Hess Realty Corp.	8149	
1401 Mt. Hope Avenue	136.53-1-6	University of Rochester	3560	
1371 Mt. Hope Avenue	136.53-1-5	University of Rochester	7986	
1351 Mt. Hope Avenue	136.53-1-4	University of Rochester	3261	
1325 Mt. Hope Avenue	136.53-1-3.1	University of Rochester	26131	
100 Crittenden Blvd.	136.53-1-8	Crittenden Blvd. Housing	789	
683 Elmwood Avenue	136.53-1-2	University of Rochester	12359	
1256 Mt. Hope Avenue	136.46-1-49	Paul R. Dean, Jr.	1852	

Section 4. The acquisitions shall obligate the City to pay an amount not to exceed \$_____, and of said amount, or so much thereof as may be necessary, and necessary closing costs, \$_____ is hereby appropriated from Federal Highway Administration funds, \$_____ is hereby appropriated from New York State Department of Transportation funds, and \$_____ shall be funded from a bond ordinance adopted for this Project.

Section 5. In the event that said parcels and/or easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels and/or easements. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcels and/or easements pursuant to the Eminent Domain Procedure Law.

Section 6. This ordinance shall take effect immediately.